

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

	)	
In the Matter of the Application of Big River	)	
Telephone Company, LLC for a Certificate of	)	
Public Convenience and Necessity to Provide	)	
Resold and Facilities-Based Local Exchange,	)	Docket No. _____
Access, and Interexchange Telecommunications	)	
Services in the State of South Carolina and for	)	
Flexible And Alternative Regulation	)	
	)	

**MOTION FOR PROTECTIVE TREATMENT AND  
BASIS FOR FILING EXHIBIT4 AS TRADE SECRET**

**Introduction**

Big River Telephone Company, LLC (“Big River” or “Applicant”), by its attorneys, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.* and Commission Order No. 2005-226 and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment (“Motion”) in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the Public Service Commission of South Carolina (“Commission”) of certain commercially-sensitive financial statements filed as a trade secret and attached as ***Exhibit 4*** to the Application of Big River for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange, Access and Interexchange Telecommunications Services in the State of South Carolina and for Flexible and Alternative Regulation (“Application”). Because this motion is an inseparable part of the Application, it is being filed concurrently with the Application.

Big River provides the following information:

1. The exact legal name, address and telephone number of the Applicant are

Big River Telephone Company, LLC  
12444 Powerscourt, Suite 270  
St. Louis, MO 63131  
Tel: (314) 225-2203  
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Email: [as@bigrivertelephone.com](mailto:as@bigrivertelephone.com)

2. Correspondence or communications regarding this Motion should be addressed to:

Ms. Bonnie D. Shealy, Esquire  
Robinson, McFadden & Moore  
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Post Office Box 944  
Columbia, SC 29202  
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**A. Description of Confidential Information.**

3 The Application requires Big River to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits the financial statements of its parent company. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

**B. Grounds for Claim of Confidentiality.**

4. Big River is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as ***Exhibit 4*** to the Application are not readily available to persons external to Big River except for regulatory and governmental agencies with jurisdiction over Big River, and then only under seal.

5. Because the financial statements submitted by Big River in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, Big River seeks to protect such material from public disclosure. Big River derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including institutional calling services providers in South Carolina, as well as in other states in which Big River provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. Big River clarifies herein that its request for protection applies only to the documents attached as ***Exhibit 4*** to the Application. Big River is not seeking protection of any type for those reports Big River is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

### **CONCLUSION**

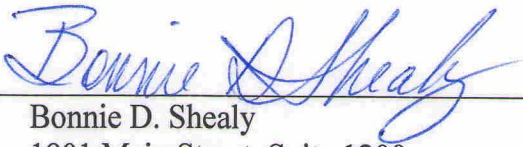
7. The financial information included in support of Big River, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to Big River as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Big River to make this information available to the public. For all these reasons, the financial statements attached as ***Exhibit 4*** to the Application should be protected from public disclosure by the Commission.

WHEREFORE, Big River Telephone Company, LLC respectfully requests that the Public Service Commission of South Carolina grant this Motion for Protective Treatment with respect to the financial statements attached as *Exhibit 4* to the Application for a Certificate of Public Convenience and Necessity to Provide Local Exchange Telecommunications Services in the State of South Carolina and filed *under seal* as Confidential in this proceeding.

Dated this 6<sup>th</sup> day of April, 2010.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By   
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Attorneys for Big River Telephone Company, LLC

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**EXHIBIT 4**

**FINANCIAL STATEMENTS**

**CONFIDENTIAL AND PROPRIETARY  
FILED UNDER SEAL**